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**Date:**

December 7, 2005

**Recipient:**

Examiner M. Haghighatian

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U.S. Patent &amp; Trademark Office

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Timothy Balts

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-- OFFICIAL --

Response to Species Election  
Petition and Fee for Extension of Time  
Appln. No. 10/609,233  
Filed: 06/27/2003  
Restriction Requirement Mailed: 09/07/2005

Number of Pages: (including cover page) 4

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Attorney's Docket No. 048765/277090

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Chaudry	Confirmation No.:	8210
Appl. No.:	10/609,233	Group Art Unit:	1616
Filed:	06/27/2003	Examiner:	M. Haghighatian
For:	INHALABLE FORMULATIONS FOR TREATING PULMONARY HYPERTENSION AND METHODS OF USING THE SAME		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO SPECIES ELECTION

This is in response to the Office Action dated September 7, 2005, in which the Examiner has required an election between 4 species of the claimed invention. Specifically, the Examiner has required election between the following species.

Species A: Various classes of pulmonary hypertension reducing agents. The relevant claims include 1, 18 – 22, 27, and 41 – 44.

Species B: Various added steps recited in claims 33-37.

Species C: Formulations in the form of a solution or a suspension. The relevant claims include 6 – 15 and 45 – 48.

Species D: Formulations comprising a preservative or being preservative-free. The relevant claims include 16 – 17 and 49 – 50.

Applicant hereby provisionally elects with traverse to prosecute calcium-channel blocker for Species A, which includes Claims 1, 21, and 27; Claim 34 for Species B; suspension for Species C, which includes Claims 12-15 and 45-48; and a preservative for Species D, which includes Claims 16 and 49. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims. Applicant also requests that non-elected species be rejoined upon allowance of the elected species.

Applicant also notes that a Preliminary Amendment was filed concurrently with this election and includes new claims that are drawn to and read on the species elected above.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Appl No.: 10/609,233  
Amdt. dated 12/07/2005  
Reply to Restriction Requirement of 09/07/2005

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

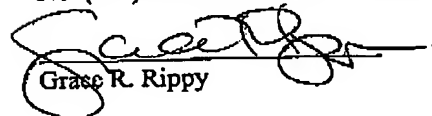


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#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

  
Grace R. Rippey

December 7, 2005  
Date